

**December 29, 2005 (Draft) Minutes of
Bigfork Land Use Advisory Committee**

Members present: John Bourquin, Jack Paulson, Clarice Ryan, Scott Hollinger, Phil Hanson, Tim Calaway, Bob Keenan.

Chairman, Hollinger called the meeting to order at 4:00 PM. Phil Hanson called for a Point of Order stating that Scott Hollinger and Tim Calaway had missed 5 meetings and, according to the Bylaws were to be dismissed and replaced, nor should Hollinger chair the meeting.

Discussion ensued with both Scott Hollinger and Tim Calaway stating that their absences were excused. Hanson stated, again, a Point of Order and that the Bylaws did not have a provision for excused absences.

Tim Calaway stated that he had been a BLUAC member for 11 years and that some years ago the committee had passed a motion to allow for excused absences. He said the reason for this was that most committee members had businesses and the meetings were held during working hours. Members were to call the Chairman or the Planning Office if they were going to be absent.

Scott Hollinger read a letter from the Planning Office, dated December 19, 2005, to Secretary Hanson, which stated "In response to your letter dated December 6, 2005; it has come to my attention there was not a Committee vote on the matter of two (2) members missing five (5) meetings in the calendar year 2005. Also, the discussion of those missed meetings took place after the regular meeting had been adjourned."

The Planning Office letter continues, "After speaking with Commissioner Hall, he noted the meetings that were missed by the two members were excused absences, and therefore the members should not be "dismissed and replaced." This issue will need to be placed on your Agenda for a regular meeting and voted on by the Committee.

At this time we will only be replacing the members whose terms expire December 31, 2005."

Secretary Hanson noted that there was some confusion as to sequence of events. She stated that the amended Bylaws had been approved by the Flathead County Commissioners on December 8, 2005 and filed with the Clerk and Recorder. A copy of the approved Bylaws had not been sent to the Planning Office so that the Planning Office was unaware that there would be elections and no appointments need be made by the Commissioners. Hanson said she mailed a copy of the amended Bylaws to the Planning Office and other members of the Committee. She also stated that in conversation with the Planning Office that should the two members be replaced, Gary Hall wanted the replacements to be Mary Danford and Shelley Gonzales. Tim Calaway took exception to Hanson's statement and said that was a lie.

Kirsten Holland, of the Planning Office and ex-officio, and non-voting member, suggested that the issue be put aside until later.

Clarice Ryan stated that the Bylaws require that members be replaced in 30 days and unless the committee takes action it would be in violation of the Bylaws.

John Bourquin stated that this Committee had replaced Mike Pederson two years ago for missing five meetings in a calendar year. Tim Calaway stated that Pederson had missed a lot of meetings because he was very busy and the absences were not excused. Calaway said Pederson had been properly notified and dismissed.

Craig Wagner, referring to Robert's Rules of Order, stated that there is no provision in the Bylaws for excused absences and that any motion approved by a past Committee on excused absences had not been adopted into the Bylaws, approved by the Commissioners and filed with the Clerk and Recorder.

John Bourquin objected for the record that Hollinger chair the meeting and said the committee should replace Hollinger and Calaway. Bourquin made the motion that BLUAC needs to replace Scott Hollinger and Tim Calaway today. This needs to be done prior to handling the two requests before us today. The terms for these two newly appointed individuals will run from 12/29/05 to 5/31/06 per our

Bylaws which were approved by the Commissioners and recorded with the Flathead Clerk and Recorder on 12/8/05. Phil Hanson seconded the motion.

Discussion on the motion. Clarice Ryan stated that we don't have the authority to appoint another person and would like to wait to resolve the issue with the full committee. She was hoping for a smooth transition to the new system.

Bob Keenan stated that the December 1, 2005, meeting had only one item on the agenda and the meeting lasted less than 30 minutes. He stated that the committee is not a rule making authority. He had spoken with Gary Hall and noted that this committee was a voluntary citizen board. He felt this was a coup by the Steering Committee and we needed the democratic process to change the process. He asked "Why is this happening?"

Phil Hanson stated why do we have rules if we don't follow them.

John Bourquin stated that excused absence or not, how do you justify the job you are doing for the community when you miss 5 meetings in a year when you miss over 40% of the meetings? There are provisions in the Bylaws for changing the time of the meetings to take place after working hours.

Tim Calaway stated that the time was set at 4:00 PM for the convenience of the Planning Staff.

Jack Paulson stated that the committee went for years without a secretary. It was hard to get volunteers.

Clarice Ryan stated that the Committee's purpose was to serve the public interest.

Vote for the motion was called. Motion was denied by the nay votes of Jack Paulson, Clarice Ryan, Scott Hollinger, and Bob Keenan, and two yea votes by John Bourquin and Phil Hanson, Tim Calaway abstain.

Clarice Ryan made a motion to table this action until a decision can be made with all members of the Committee, the Planning Office and the County Commissioners using the Policies and Procedures as of December 8, 2005, and continue business today with the present committee.

Motion died for lack of second.

Tim Calaway made a motion that the committee get on with the agenda for tonight's meeting. Clarice Ryan seconded the motion.

Discussion on the motion: Phil Hanson noted a Point of Order again stating this is not in compliance with the Policies and Procedures and he does not see room for argument.

The motion passed with yea votes by Jack Paulson, Clarice Ryan, Scott Hollinger, Tim Calaway and Bob Keenan and two nay votes by John Bourquin and Phil Hanson.

The minutes of the December 1, 2005 meeting were approved with the corrections of striking the third sentence in the third paragraph under Old Business "With the exception of the portion dealing with election of committee members, the Policies and Procedures were unchanged from the original." and the paragraph after the notation of adjournment, "After adjournment, it was noted that two BLUAC members had missed 5 meetings in the 2005 calendar year. According to committee minutes, Scott Hollinger has missed meetings on January 27, 2005, March 31, 2005, August 25, 2005, September 29, 2005 and December 1, 2005. Tim Calaway has missed meetings on February 24, 2005, March 31, 2005, June 30, 2005, August 25, 2005 and December 1, 2005. According to the Policies and Procedures adopted February 5, 1996, Amended December 19, 2000, 'Any committee member who misses 3 consecutive meetings or a total of 5 meetings in a calendar year, shall be dismissed and replaced.'"

Item 1: Pulled – Kirsten Holland told the committee that the request by Rocky Mountain Recreational Communities, LLC for a zoning Variance would be postponed until the January 26, 2006, meeting and was not clear whether it would be submitted as a request for a Conditional Use Permit or a Zoning Variance.

Item 2:

Staff: Nicole Lopez Stickney from the Planning Office noted that the agenda should state that there would be public sewer rather than septic systems. This is a request by 83 Development, LLC for Preliminary Plat approval of Ridgeview Park, a major subdivision that will create five (5) commercial lots on 5.31 acres. All

lots in the subdivision are proposed to have public water and sewer. The property is located off Montana Highway 82 and can be further described as Flathead Swan Junction Unit 4 Amended Lot 1A in Section 14, Township 27 North, Range 20 West, P.M>M>, Flathead County, Montana.

Applicant: Dawn Marquardt from Marquardt Surveying stated that the application includes a frontage road with Montana Hwy Department approval on the approach to Hwy 82 in the Southeast corner of the property. She stated that there is not an easement on the Lot on the East side of the property and is not sure if that is a possibility. Kirsten Holland stated that the Bigfork Bowling Alley has submitted a Conditional Use Permit for the whole piece of property by Pickavance.

Public Comment:

Katherine Head of the Bigfork Eagle asked the identification of the two adjacent businesses. They are Puttin' On The Ritz and All Weather Heating.

Board Discussion:

John Bourquin asked what is meant by flood zone Z. Holland explained it would be a 500 year flood zone. He also asked if there were any provisions to hide unsightly junk such as on the adjoining property. Marquardt explained that there is landscaping included in the proposal on the North and West of the property. No fencing is proposed. Holland noted that a Conditional Use Permit would address that problem.

Scott Hollinger asked about a retention pond. Marquardt said that was located on the West boundary of the property.

Clarice Ryan asked if each site would need approval. Holland answered that under B-3 zoning each lot will not need approval. She noted that the businesses would have to comply with parking standards in that zoning classifications.

Bob Keenan made the motion to approve the application. Clarice Ryan seconded the motion. The motion passes unanimously. This application will be heard by the Flathead County Planning Board on January 11, 2006, at 6:00 PM.

Old Business:

None

New Business:

Scott Hollinger asked for a motion on vacancies. Tim Calaway made the motion that since BLUAC is an all volunteer committee and since meetings are held during working hours and many members own businesses and work that members be excused for valid reasons and those absences not be counted in absenteeism towards their position on BLUAC and the committee member should call the Chairman and/or the Flathead County Planning Office with their excuse for absence. Bob Keenan seconded the motion.

Board discussion: John Bourquin stated that it is fine to amend the Bylaws on a forward basis but doesn't know how, excused or not, you can miss that many meetings and still be a representative of your community. Phil Hanson stated his agreement with Bourquin.

Motion carried with yea votes by Jack Paulson, Clarice Ryan, Scott Hollinger, Tim Calaway and Bob Keenan, two nay votes by John Bourquin and Phil Hanson. Tim Calaway asked that the motion be written up for only the Planning Staff and Jeff Harris.

Meeting was adjourned at 5:15 PM

Sue Hanson
Secretary